



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Polysomnography
124 Halsey Street, 6th Floor, Newark, NJ 07102



JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

STATE BOARD OF POLYSOMNOGRAPHY HUDSON CONFERENCE ROOM, 6TH FLOOR

PUBLIC SESSION MINUTES

OCTOBER 13, 2015

FINAL

The October meeting of the State Board of Polysomnography was convened in accordance with its notice to the Secretary of State, the Bergen Record, the Trenton Times, the Star Ledger and the Courier Post and was posted at the Division's website. The meeting was conducted in accordance with the provisions of the Open Public Meetings Act.

Chair, Sara Gallagher called the meeting to order at 10:00 A.M. A roll call was taken and the following attendance was recorded for these minutes.

PRESENT: Sara Gallagher, RPSGT, RST
Mitchell Rubinstein, RPSGT, RST
Kathleen Feeney, RPSGT, RST

EXCUSED: Dr. Gerald Ferencz

Also in attendance: Dorcas K. O'Neal, Executive Director, Virginia Class-Matthews, Deputy Attorney General, Elizabeth Greenblatt, Regulatory Analyst and Kathleen Griffith, Staff.

I. APPROVAL OF MINUTES

a. The Board reviewed the September 15, 2015 Public Session Minutes. **On a motion by Mitchell Rubinstein, seconded by Kathleen Feeney the minutes were approved as redacted.**

II. OLD BUSINESS

There were no items of new business.

III. NEW BUSINESS

a. The Board reviewed the letter, **Policies, procedures and Accreditation Commission for Health Care (ACHC), Standards from Suzie Steger, Regulatory Coordinator, 139 Weston Oaks Court, Cary, North Carolina**, requesting that Accreditation Commission for Health Care (ACHC) be added as another accreditation option for sleep centers and laboratories.

She further stated that this is in regard to **proposed rule sections N.J.S.A. 45:14G-3, N.J.A.C. 13:44L-1.2, 2.3, 5.2 and 5.3, which refers to facilities that are “State-licensed” or are “provisionally accredited or fully accredited by the (American Academy of Sleep Medicine) AASM.”**

Regulatory Analyst, Greenblatt advised the Board that, it has a year to respond to this comment and that the Board may send a response to Ms. Steger advising that the Board will consider a determination at a future date.

Regulatory Analyst Greenblatt stated that the Statute has standards and that the American Academy of Sleep Medicine set the standards.

She further stated that, since 2013 this was proposed and that this comment should be dealt with separately which will be a clearer way of handling it.

Sara Gallagher, Chair, advised that she needs more time to evaluate it fairly by comparing the American Academy of Sleep Medicine (AASM) standard to see if the Accreditation Commission for Health Care (ACHC) is equivalent. REAGENDIZED

b. The Board reviewed the Proposed Meeting dates for 2016. The Board determined that Board Members need the opportunity to review their 2016 calendar. REAGENDIZED.

January 12, 2016	(HUDSON)	July 12, 2016	(HUDSON)
February 9, 2016	(HUDSON)	August 9, 2016	(HUDSON)
March 8, 2016	(HUDSON)	September 13, 2016	(HUDSON)
April 12, 2016	(HUDSON)	October 11, 2016	(HUDSON)
		*October 18, 2015	
May 10, 2016	(HUDSON)	November 15, 2016	(HUDSON)
June 14, 2016	(HUDSON)	December 13, 2016	(HUDSON)

***October 18, 2016 was discussed as an alternate date for October 11, 2016 meeting.**

IV. LEGISLATION/REGULATIONS

a. DISCUSSION OF EMPLOYMENT VERIFICATION AND EMPLOYMENT HISTORY - Regulatory Analyst, Greenblatt indicated that there is no statutory or regulatory authority for requesting Verification of Non-Medical Employment.

1. AFFIDAVIT

On the Affidavit Page for Polysomnography Trainee-Provisional License Application, Polysomnography Technician -Temporary License Application and the Polysomnography Technologist Application the last page states:

... “I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for licensure or certification. I further authorize all institutions, employers, agencies and all government agencies and instrumentalities (local, state, federal or foreign) to release any information, files or records requested by the Board”.

2. **APPLICATION**

On the application for **Trainee, Technician and Technologist** no Employment History is required and there is no page for the applicant to record the employment history.

3. **REGULATIONS**

The regulations are silent on employment history under licensure requirements for **Trainee, Technician and Technologist**.

4. In the regulations for reinstatement/reactivation *at N.J.A.C. 13:44L-3.2(e) 6 (Reinstatement) and (i) 3 (Reactivation, an affidavit listing employment is required.*

5. **APPLICATION FOR REINSTATEMENT\ REACTIVATION** In the regulations and on the application, *reference to employment is indicated and consent by applicant is given for an investigation of past and present employment.*

On the **application for Reinstatement/Reactivation** there is an employment page and an affidavit requesting a listing of employment.

Executive Director O’Neal advised the Board that for all her other Boards verification of employment is part of the application. She further advised that some employers will only provide the dates of employment and the position held, which is acceptable. She stated that obtaining employment information has been found to be helpful in determining the employment history and gives an account for any employment gaps.

Regulatory Analyst, Greenblatt advised the Board that by requesting employment verification from initial applicants, identity theft can be an issue, also she believes that if there is an OPRA request, this information can be requested. Regulatory Analyst Greenblatt also stated that verification of employment is relevant for licensees whose license was placed in inactive status, reinstatement or suspended as it relates to practice deficiencies.

After discussing this matter, the Board determined that this matter will be discussed further at the December meeting. **REAGENDIZED**

There being no other business to come before the Board in Public Session, on a motion by Mitchell Rubinstein, seconded by Kathleen Feeney the Public Session was adjourned at 11:30 a.m., and the Board convened in Executive Session for the purpose of receiving counsel, to review two (2) items of old business and two (2) applications.

The Board reconvened in Public Session. The meeting for November 10, 2015 is cancelled. The Board will meet on December 8, 2015. There being no other business to come before the Board, **on a motion by Mitchell Rubinstein seconded by Kathleen Feeney, the meeting was adjourned at 12:00 noon.**

Respectfully submitted
State Board of Polysomnography

Drorcas K. O'Neal
Executive Director

